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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Eide, Mr. Hatano, Mr. Maxim, Ms. Palley and Mr. Yimer:
draft resolution

Measures towards the full realization of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of the Charter which establish that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Conscious that the Universal Declaration of Human Rights provides that everyone is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality,

Recalling Commission on Human Rights resolutions 1994/11, 1994/12, 1994/14, 1994/20, 1994/21 and 1994/65,

Mindful of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in which the need is underlined for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Reaffirming the interdependence and indivisibility of civil, cultural, economic, political and social human rights and that the promotion and protection of any of these rights should never exempt or excuse States from the promotion and protection of the other rights,

Emphasizing the need to secure, within the shortest possible time-frame, the full respect and enjoyment of the rights contained in the International Covenant on Economic, Social and Cultural Rights, with particular emphasis on the rights of the most vulnerable and disadvantaged,

Welcoming the decisions of the General Assembly to convene the World Summit for Social Development in 1995 and the United Nations Conference on Human Settlements (Habitat II) in 1996, both of which can provide a means of further strengthening economic, social and cultural rights and of expediently promoting the full realization of these rights,

Recalling the four reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, in particular the recommendations contained in his final report (E/CN.4/Sub.2/1992/16, paras. 202-246),

Welcoming the working paper (E/C.12/1994/WP.9) submitted by the Advisory Services Programme of the Centre for Human Rights to the Committee on Economic, Social and Cultural Rights, at its tenth session, held in May 1994, outlining measures taken by the Advisory Services Programme relating to economic, social and cultural rights,

Taking note of Sub-Commission document E/CN.4/Sub.2/1994/11 which addresses impunity in the context of economic, social and cultural rights,

Welcoming the valuable work carried out by the Committee on Economic, Social and Cultural Rights and the Working Group on the Right to Development,

Convinced of the need, throughout the United Nations human rights programme, substantially to increase attention to and to undertake activities on economic, social and cultural rights with a view to promoting the full realization of these rights,

Aware that many of the activities outlined in earlier resolutions on economic, social and cultural rights by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have yet to be carried out or completed,

Recalling its resolutions 1991/27 and 1992/29;

1. Welcomes the efforts of the Secretary-General to publish in one document the compiled reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk;

2. Also welcomes the favourable reply by the World Bank to the request made by the Commission on Human Rights in its resolutions 1993/14 and 1994/20 to consider convening an expert seminar on the role of this institution in the realization of economic, social and cultural rights, and encourages the World Bank to ensure the wide participation of human rights experts in the seminar, including representatives of non-governmental organizations;

3. Urges the international financial institutions, in particular the World Bank and the International Monetary Fund, to bear in mind the impact of their policies and programmes on the realization of economic, social and cultural rights;

4. Encourages the United Nations Children's Fund, the United Nations Development Programme, the regional commissions, the United Nations Centre for Human Settlements (Habitat), the World Bank, the International Monetary Fund, the World Trade Organization and other relevant international programmes and agencies to integrate human rights concerns into their respective mandates, to cooperate with the Centre for Human Rights, and to assist the Centre for Human Rights in devising a consistent approach to the selection and use of indicators in the field of human rights for assessing the enjoyment of economic, social and cultural rights;

5. Invites the Preparatory Committee for the World Summit for Social Development, to be held at Copenhagen in 1995, to give due emphasis to economic,

social and cultural rights, and in particular to the International Covenant on Economic, Social and Cultural Rights, in developing general principles and guidelines and the plan of action of the Summit and to respond favourably to the offer by the Committee on Economic, Social and Cultural Rights to act as the monitoring body for the plan of action arising from the Summit;

6. Also invites the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in 1996, to give due emphasis to economic, social and cultural rights, in particular the right to adequate housing, in developing general principles and guidelines and the plan of action of the Summit;

7. Requests the Commission on Human Rights to:

(a) Consider the desirability of appointing thematic rapporteurs entrusted with investigating specific economic, social and cultural rights, in particular the right to adequate housing and human rights and the environment, especially in view of the substantial non-realization of these and other economic, social and cultural rights;

(b) Examine the work carried out by the Committee on Economic, Social and Cultural Rights concerning the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting individuals and groups the right to submit communications alleging non-compliance by States parties, whether by act or omission, with the provisions of the Covenant and to forward its specific views to the Committee as to the contents of such an optional protocol;

(c) Consider explicitly requesting each country rapporteur to include a specific reference to the enjoyment of economic, social and cultural rights in their reports and to develop guidelines for use by country rapporteurs in this regard;

(d) Request the High Commissioner for Human Rights to take into full consideration economic, social and cultural rights in carrying out his mandate;

(e) Request the international financial institutions, in particular the World Bank, the International Monetary Fund and the World Trade Organization, to develop independent mechanisms designed to ensure that international human rights standards are taken fully into account in the adoption of all relevant policies,

projects and practices and that these standards are fully respected in this regard;

8. Requests the Secretary-General to:

(a) Complete the preparation of basic policy guidelines on structural adjustment and economic, social and cultural rights, based on the principles of international human rights law and which could serve as a basis for continued dialogue between the United Nations human rights programme and the international financial institutions of the United Nations, in particular the World Bank and the International Monetary Fund;

(b) Continue efforts towards the development of policy guidelines relating to economic, social and cultural rights;

(c) Also continue the survey of the legislative recognition of economic, social and cultural rights, and in this context, make concrete proposals as to the need for further standard-setting in the field of economic, social and cultural rights, and take into account the draft international convention on housing rights contained in the second progress report of the Special Rapporteur on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1994/20, chap. IX) and the draft declaration of principles on human rights and the environment contained in the final report of the Special Rapporteur on human rights and the environment (E/CN.4/Sub.2/1994/9, annex 1);

(d) Consider the possibility of convening expert seminars, in accordance with Commission on Human Rights resolution 1994/20, focused on specific economic, social and cultural rights, including (i) the right to work; (ii) the right to social security; (iii) the right to housing; (iv) the right to food; (v) the right to health; (vi) the right to education; and (vii) the right to culture, with a view to clarifying the particular content of these rights and elaborating universally relevant policy guidelines for each of these rights based on international human rights law;

(e) Consider, as a matter of priority, increasing the number of staff of the Centre for Human Rights with practical expertise in the area of economic, social and cultural rights, and in this regard, also consider the establishment of a section devoted exclusively to activities on and the promotion of economic, social and cultural rights, including the right to development, within the Centre for Human Rights;

(f) Develop the capacity necessary for carrying out training sessions for States, United Nations specialized and other agencies and programmes and non-governmental organizations on economic, social and cultural rights;

(g) Prepare for its consideration at its forty-seventh session a background document examining the relationship between the enjoyment of international labour and trade union rights and the working methods and activities of transnational corporations;

9. Decides to consider progress made on implementing the present resolution at its forty-seventh session under the agenda item entitled "Economic, social and cultural rights".